

LEWIS COUNTY

STAFF REPORT

PROPOSAL INFORMATION

Contact	Greg Jones	
Owner	The Herbrand Company	
Request	<input checked="" type="checkbox"/> Map <input type="checkbox"/> Text <input type="checkbox"/> UGA Change <input type="checkbox"/> Other	
	Existing Zoning Category:	Agricultural Resource Land
	Proposed Zoning Category:	Mineral Resource
	Existing Comprehensive Plan Designation:	Agricultural Resource Land
	Proposed Comprehensive Plan Designation:	Mineral Resource
Location/Site Size	Located on Peters Road, southwest of Randle, east of Riffe Lake	Approximately 60 acres
Parcel Number(s)	031296001009, 031296001013, 03129600014	
Site Description	Site	Heavily forested, undeveloped at this time. An existing pit on the south end of the property exists.
	Topography	Hilly, heavily forested.
	Other Features	Some rock outcroppings.

SUMMARY EVALUATION

CRITICAL AREAS REVIEW	
Critical Aquifer Recharge Area	Low Susceptibility
Floodplain	Portion 100 year
Geologically Hazardous Areas	Portion 30% slopes
Wetlands	N/A
Hydric Soils	N/A
Stream Buffers	N/A

STATE ENVIRONMENTAL POLICY ACT (SEPA)

An environmental checklist was prepared by Lewis County for the proposal and Determination of Non-Significance (DNS) for a non-project action was issued for the proposal on June 1st, 2011, with a comment and appeal period ending on June 21st, 2011. The DNS was circulated to agencies of jurisdiction and published in the East County Journal on June 1st, 2011.

PUBLIC NOTICE REQUIREMENTS

Notice of the public hearing on the proposal was published in the Legal Notice section of the East County Journal and the Chronicle on June 15, 2011.

Public Participation

The applicant and Lewis County Community Development Department have met the following Public Participation Program guidelines for public notice and public hearing(s):

- Circulation of application and SEPA to affected Lewis County agencies and jurisdictions
- County-wide general circulation of a legal notice placed in the East County Journal and the Chronicle on June 15, 2011.
- Public meeting & workshop held in Lewis County Courthouse on April 26, 2011, and May 24th, 2011 at 7:00 p.m.
- County-wide general circulation of a legal notice for amendment and hearing date placed in the East County Journal and the Chronicle on June 15th, 2011.
- Circulation of amendment to state agencies for review as required by RCW 36.70A
- Publication of amendment and map on Lewis County internet site
- Information regarding proposed Rezones and concurrent Comprehensive Plan Map Amendment(s) were available at Timberland Regional Libraries and Senior Centers.

PUBLIC COMMENT

None received as of the date this report was produced.

STAFF REPORT ON AMENDMENT REQUEST

File No: MSC10-0117

Request: The application is a request to change the zoning from Agricultural Resource Land (ARL) to Mineral Resource Land (MRL), with a concurrent Comprehensive Plan Map change from ARL to MRL.

Application Summary: The applicant states that the subject parcel(s) are non-farmable, with very steep rock outcroppings and an existing pit on the south end. The applicant states because of the rock outcroppings it is more compatible with mineral resource land as a rock pit than agricultural land and would serve as a viable mining opportunity, since the site cannot be used effectively for agricultural uses and it does not meet the criteria of Agricultural Resource Lands. The applicant has submitted material, a geotechnical report, that the site does contain mineral deposits of significance (see attached report by Forest Pro Inc). It appears there was a pit developed by Department of Natural Resources (DNR) in the southeast portion of the site. Several approvals by DNR were given for forest practice permits to improve the pit and improve access to the pit. Currently the pit is approximately 14.6 acres.

Site Information: The proposal consists of three parcels that are approximately 60 acres in size, located on the eastside of Peters Road. The site is heavily forested, with some open space adjoining Peter's road in the eastern portion of the site. Property to the east and south are developed with open acreage home sites with Agricultural Resource Designations. To the north and west it is heavily forested and vacant forest land with the Agricultural Resource Designation. The Cowlitz river is located to the east. The Community of Packwood is located to the northeast.

APPLICABLE ZONING ORDINANCE & COMPREHENSIVE PLAN GOALS AND POLICIES

The Zoning Ordinance and Comprehensive Plan and other applicable regulations provide the framework for consideration of zone changes and concurrent Comprehensive Plan Map amendments. Following are relevant zoning and Comprehensive Plan text citations related to the consideration of the proposed amendment.

Applicable Lewis County Zoning Code Chapters:

Chapter 17.30 Resource Lands

Agricultural

17.30.080 Agricultural land – Agricultural Resource Land

Agricultural land or agricultural resource land means land primarily devoted to the commercial production of aquaculture, horticultural, viticulture, floricultural, dairy, apiary, vegetable, or animal products to berries grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

17.30.605

“The intent and purpose of this section is to maintain and enhance resource-based industries, encourage the conservation of agricultural lands, and discourage incompatible uses”.

17.30.610 Primary Uses

Agriculture and agricultural activities including aquaculture, viticulture, floriculture, horticulture, general farming, dairy, the raising, feeding, and sale or production of poultry, livestock, fur-bearing animals, honeybees including feeding operations, Christmas trees, nursery stock, and floral vegetation, agricultural processing facilities, commercial greenhouse operations that are an integral part of a local soil based commercial agricultural operations, wholesale nurseries, and other agricultural activities.

Mineral

17.30.210 Mineral Resource Lands

“Mineral resource lands” means lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.

17.30.730 Designation

“Mineral resource land may be so designated upon initiation either of the county or a property owner or owners”

17.30.750 Primary uses

Quarrying and mining of minerals or material, including, but not limited to, sand and gravel, sand, rock, clay, coal, and valuable metallic and nonmetallic substances.

Applicable Lewis County Comprehensive Plan Chapters:

Chapter 2 Lewis County 20-Year Vision

Natural Resource Areas

Lewis County will have well-managed natural resource areas that continue to provide opportunities for natural resource based industries, like agriculture and timber, into the future. Natural resource areas are also the focus of Lewis County’s recreational and tourist activities. These activities are encouraged, but also well-managed with respect to the overall preservation of our important natural resources.

Environmental and resource protection will be encouraged in order to preserve the quality environment enjoyed in Lewis County for future generations. The open lands,

forests, river and stream corridors are essential resources which provide the fish and wildlife habitat, recreational opportunities, scenic beauty, and aesthetic qualities that make Lewis County an attractive place to live.

NATURAL RESOURCE LANDS SUB-ELEMENT

Agricultural/Agricultural Resource Lands are those lands primarily devoted to the commercial production of aquaculture, horticultural, viticulture, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

Mineral Resource Lands are those lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals. As an interim step toward meeting the GMA mandate for resource lands, the Lewis County Board of County Commissioners adopted the Lewis County Interim Resource Lands Ordinance No. 1151. This ordinance classifies and designates resource lands in Lewis County and establishes regulations for the protection of resource lands.

NATURAL RESOURCE LANDS GOALS, OBJECTIVES AND POLICIES

NR Goal: Maintain agricultural, commercial timber production, mineral resource extraction lands and their ancillary uses.

Objective

NR1 Identify and conserve resource lands supporting agriculture, forest, and mineral extractive industries.

Policies

NR1.1 The Lewis County Resource Lands Ordinance will be revised to be consistent with the provisions of this plan.

NR 1.2 The County should protect the interests of land-owners who wish to continue the practice of management of natural resources.

NR 1.3 Designate agricultural lands of long-term commercial significance as follows:

2. Identify lands that are classified as having prime farmland soils as determined by the National Resource Conservation Service (NRCS) that occupy a significant partition of the parcel. Prime farmland soils include

soils classified by NRCS as “prime farmland”, Prime farmland if drained,” prime farmland if drained and either protected from flooding or not frequently flooded during the growing season, “ and prime farmland if irrigated.” (NRCS maintains a list of soil mapping units that meet the criteria for prime farmland.

3. Lands with soils that are classified by NRCS as “prime farmland if drained” or “prime farmland if irrigated” are presumed to be drained or irrigated in the absence of evidence to the contrary;

- NR 1.4 Resource use, particularly agricultural and timber uses and accessory uses, are encouraged in all rural areas.
- NR 1.6 Some parcels may contain both prime soils and soils that are poor or otherwise not suitable for agricultural purposes. Provisions should be made to allow land owners to redesignate that portion of the parcel containing soils that are poor or otherwise not suitable for agricultural purposes.
- NR 1.14 The maximum residential density on commercially significant agricultural resource lands is one unit per 20 acres.
- NR 1.16 The maximum residential density on designated mineral resource lands is one unit per 10 acres.
- NR 1.18 Mineral extraction sites should be restored in a fashion consistent with Washington and Lewis County laws and regulations.
- NR 1.20 It is the responsibility of any new incompatible land use to appropriately buffer itself from any existing forestry, agricultural or mineral resource lands.

Cumulative Impact Evaluation

The Planning Commission should review specific objectives and policies related to each zone change and concurrent Comprehensive Plan map amendment in its decision. Staff has listed the objectives and policies related to this request. Additionally, information contained on the rezone application itself must be weighed against criteria in the Zoning Ordinance section 17.30.600 and Comprehensive Plan.

MSC-10-0117 is a request for a zone change from Agricultural Resource Land (ARL) to Mineral Resource Land (MRL), and concurrent Comprehensive Plan Map amendment from Agricultural Resource Land (ARL), to Mineral Resource Land (MRL).

Currently, the land surrounding the site parcels are zoned Agricultural Resource Lands. The site shows approximately 70% prime farmland, with moderate to somewhat excessive drainage. The site is not currently being used as agricultural, nor has it been drained. The applicant states the site is not conducive to agricultural use due to site constraints which include rock outcroppings, steep slopes and the fact that most of the site is heavily forested. A geotechnical report has been submitted.

Changing the zoning of the site from Agricultural Resource Lands (ARL) to Mineral Resource Lands (MRL) would allow for a different land use pattern than if the land was utilized as ARL. It is prudent to assume the most intense possible use/development for the site when comparing potential impacts to the rezone with impacts of the site. This would include truck traffic, rock crushing and associated effects, including noise and dust. This site has been used in the past by DNR as a mining operation to include rock crushing with associated impacts.

The applicant has provided materials, in the form of a geotechnical report, that shows a high likelihood for occurrence of mineral deposits. Re-designation to Mineral Resource Land would keep the land under the natural resource designation, but under a different sub-element. Re-designating land out of the Agricultural Resource Land category requires careful review, due to past use of the site as an active mining pit by DNR, a report showing the reasonable presence of mineral/aggregate deposits at the site, and keeping the site in the natural resource designation, along with the current site conditions, staff recommends re-designation to Mineral Resource Land.

Attachments:

Applicant Application
Geotechnical Report